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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,374	10/14/2003	Craig Bonsignore	CRD-5054	4420
27777	7590	04/15/2010		
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003				
EXAMINER				
YABUT, DIANE D				
ART UNIT		PAPER NUMBER		
3734				
NOTIFICATION DATE		DELIVERY MODE		
04/15/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/685,374

Applicant(s)

BONSIGNORE, CRAIG

Examiner

DIANE YABUT

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 10-16, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's amendment received on 01/08/2010.

The examiner acknowledges the amendments made to the claims.

Claims 1-6, 8-16, and 18-19 are pending in this application. Claims 5-6, 10-16, and 18-19 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wisselink** (U.S. Patent No. **5,984,955**) in view of **Hartley** (U.S. Pub. No. **2004/0082990**).

Claims 1 and 3-4: In Figure 2c **Wisselink** discloses a single flow channel main trunk **12a** having first and second ends, first and second stent-anchors **18a** disposed completely within and covered by the main trunk (see col.7, lines 59-67), the first and second stent-anchors securing the first and second ends of the main trunk within a vessel, a graft extension configured as part of the main trunk and extending from the main trunk or being in fluid communication with the main trunk (as is near **46** in Figure 2C), the graft extension and the main trunk being formed as a continuous, one-piece, unitary structure, a bypass graft **14** or **16** in fluid communication with the graft extension,

wherein the graft extension and the bypass graft have an overlapping region (see Figures 1b-1c), wherein the outside diameter of the graft extension is substantially equal to the inside diameter of the bypass graft (see Figures 2b-2c. col. 4, lines 42-67, col. 7, lines 39-67).

Wisselink lacks an internal anchor and an external anchor, wherein the internal anchor is positioned within the graft extension and is configured to exert a chronic outwardly directed outward force and the external anchor is integral with or positioned outside the bypass graft and is configured to exert a chronic inwardly directed force, the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft.

Hartley teach an overlap region comprising an internal anchor **68** positioned within a "graft extension" **62** and is configured to exert a chronic outwardly directed outward force and an external anchor **72** being integral with or positioned outside a "bypass graft" **66** and is configured to exert a chronic inwardly directed force, the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft (Figure 7, paragraphs 58-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the connection between the graft extension and the bypass graft in

Wisselink by providing an internal anchor and an external anchor, as taught by Hartley, in order to provide a smooth region and effective seal between the two tubular portions (paragraph 59).

Claim 2: Wisselink discloses said bypass graft comprising an artificial graft **16** or a donor vessel (col. 7, lines 39-67).

Claim 8: Wisselink discloses said first and second stent-anchors exerting an outward force to seal said main trunk in a main vessel (col. 7, lines 49-52).

Claim 9: Wisselink discloses said first and/or second stent-anchors comprising a plastically deformable material (col. 1, lines 52-67).

Response to Arguments

3. Applicant's arguments filed 01/08/2010 have been fully considered but they are not persuasive.
4. Applicant argues that Wisselink does not create a continuous one piece structure. The examiner disagrees. Since the main trunk **12a** and the graft extension (near **46** in Figure 2c) are connected and are in fluid communication, they are considered to form one continuous, unitary structure.
5. Applicant also argues that Hartley discloses stent grafts that overlap and not two grafts that are joined by two separate stents. The examiner maintains that Hartley reads on the limitations by teaching an internal anchor **68** positioned within a "graft extension" **62** and is configured to exert a chronic outwardly directed outward force and an external anchor **72** being integral with or positioned outside a "bypass graft" **66** and

is configured to exert a chronic inwardly directed force, the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft (Figure 7, paragraphs 58-59).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DIANE YABUT** whose telephone number is (571)272-6831. The examiner can normally be reached on M-F: 9AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diane Yabut/
Examiner, Art Unit 3734

/Gary Jackson/
Supervisory Patent Trainer
TC 3700
April 11, 2010